

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN HALEBIAN, individually and
on behalf of all other similarly
situated trust beneficiaries
and derivatively on behalf of
CITIFUNDS TRUST III,

Plaintiff,

-against-

ELLIOT J. BERV, DONALD M. CARLTON,
A. BENTON COCANOUGH, MARK T.
FINN, STEPHEN RANDOLPH GROSS,
DIANA R. HARRINGTON, SUSAN B.
KERLEY, ALAN G. MERTEN, and
R. RICHARDSON PETTIT,

Defendants,

-and-

CITIFUNDS TRUST III,

Nominal Defendant.
-----X

No. 06-cv-4099 (NRB)
ECF CASE

**NOTICE OF MOTION FOR LEAVE TO TAKE DISCOVERY
AND TO AMEND THE COMPLAINT**

PLEASE TAKE NOTICE that upon the annexed Declaration of Joel C. Feffer, the prior proceedings had herein, and the accompanying memorandum of law, plaintiff will move this Court before the Honorable Naomi Reice Buchwald, at a time to be determined by the Court, for an order (1) pursuant to Fed. R. Civ. P. 56, allowing plaintiff to conduct discovery as outlined in the Declaration of Joel C. Feffer, (2) pursuant to Fed. R. Civ. P. 15(a), allowing plaintiff to file his proposed First Amended Complaint, a form of which is annexed to the Declaration of Joel C. Feffer, as Exhibit A, and (3) such other and further relief as the Court deems appropriate.

Dated: September 16, 2011

Respectfully submitted,

Harwood Feffer LLP

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